

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 854**

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**Introduced by Assembly Member Keene**

February 22, 2007

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An act to amend ~~Section 12078~~ of Sections 12001, 12073, 12078 and 12132 of, and to repeal Section 12020.5 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL’S DIGEST

AB 854, as amended, Keene. Firearms.

Existing law generally regulates the transfer of firearms. Existing law also provides various exceptions to these requirements.

This bill would *provide exceptions to various requirements in connection with the transfer of firearms in the case of transfers, including loans, to licensed consultant-evaluators as defined. The bill would also make a technical, nonsubstantive change to provisions providing the above-described exceptions changes.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 12001 of the Penal Code is amended to  
2     read:  
3     12001. (a) (1) As used in this title, the terms “pistol,”  
4     “revolver,” and “firearm capable of being concealed upon the  
5     person” shall apply to and include any device designed to be used  
6     as a weapon, from which is expelled a projectile by the force of

1 any explosion, or other form of combustion, and that has a barrel  
2 less than 16 inches in length. These terms also include any device  
3 that has a barrel 16 inches or more in length which is designed to  
4 be interchanged with a barrel less than 16 inches in length.

5 (2) As used in this title, the term “handgun” means any “pistol,”  
6 “revolver,” or “firearm capable of being concealed upon the  
7 person.”

8 (b) As used in this title, “firearm” means any device, designed  
9 to be used as a weapon, from which is expelled through a barrel,  
10 a projectile by the force of any explosion or other form of  
11 combustion.

12 (c) As used in Sections 12021, 12021.1, 12070, 12071, 12072,  
13 12073, 12078, 12101, and 12801 of this code, and Sections 8100,  
14 8101, and 8103 of the Welfare and Institutions Code, the term  
15 “firearm” includes the frame or receiver of the weapon.

16 (d) For the purposes of Sections 12025 and 12031, the term  
17 “firearm” also shall include any rocket, rocket propelled projectile  
18 launcher, or similar device containing any explosive or incendiary  
19 material whether or not the device is designed for emergency or  
20 distress signaling purposes.

21 (e) For purposes of Sections 12070, 12071, and paragraph (8)  
22 of subdivision (a), and subdivisions (b), (c), (d), and (f) of Section  
23 12072, the term “firearm” does not include an unloaded firearm  
24 that is defined as an “antique firearm” in Section 921(a)(16) of  
25 Title 18 of the United States Code.

26 (f) Nothing shall prevent a device defined as a “handgun,”  
27 “pistol,” “revolver,” or “firearm capable of being concealed upon  
28 the person” from also being found to be a short-barreled shotgun  
29 or a short-barreled rifle, as defined in Section 12020.

30 (g) For purposes of Sections 12551 and 12552, the term “BB  
31 device” means any instrument that expels a projectile, such as a  
32 BB or a pellet, not exceeding 6mm caliber, through the force of  
33 air pressure, gas pressure, or spring action, or any spot marker gun.

34 (h) As used in this title, “wholesaler” means any person who is  
35 licensed as a dealer pursuant to Chapter 44 (commencing with  
36 Section 921) of Title 18 of the United States Code and the  
37 regulations issued pursuant thereto who sells, transfers, or assigns  
38 firearms, or parts of firearms, to persons who are licensed as  
39 manufacturers, importers, or gunsmiths pursuant to Chapter 44  
40 (commencing with Section 921) of Title 18 of the United States

1 Code, or persons licensed pursuant to Section 12071, and includes  
2 persons who receive finished parts of firearms and assemble them  
3 into completed or partially completed firearms in furtherance of  
4 that purpose.

5 “Wholesaler” shall not include a manufacturer, importer, or  
6 gunsmith who is licensed to engage in those activities pursuant to  
7 Chapter 44 (commencing with Section 921) of Title 18 of the  
8 United States Code or a person licensed pursuant to Section 12071  
9 and the regulations issued pursuant thereto. A wholesaler also does  
10 not include those persons dealing exclusively in grips, stocks, and  
11 other parts of firearms that are not frames or receivers thereof.

12 (i) As used in Section 12071 or 12072, “application to purchase”  
13 means any of the following:

14 (1) The initial completion of the register by the purchaser,  
15 transferee, or person being loaned the firearm as required by  
16 subdivision (b) of Section 12076.

17 (2) The initial completion and transmission to the department  
18 of the record of electronic or telephonic transfer by the dealer on  
19 the purchaser, transferee, or person being loaned the firearm as  
20 required by subdivision (c) of Section 12076.

21 (j) For purposes of Section 12023, a firearm shall be deemed  
22 to be “loaded” whenever both the firearm and the unexpended  
23 ammunition capable of being discharged from the firearm are in  
24 the immediate possession of the same person.

25 (k) For purposes of Sections 12021, 12021.1, 12025, 12070,  
26 12072, 12073, 12078, 12101, and 12801 of this code, and Sections  
27 8100, 8101, and 8103 of the Welfare and Institutions Code,  
28 notwithstanding the fact that the term “any firearm” may be used  
29 in those sections, each firearm or the frame or receiver of the same  
30 shall constitute a distinct and separate offense under those sections.

31 (l) For purposes of Section 12020, a violation of that section as  
32 to each firearm, weapon, or device enumerated therein shall  
33 constitute a distinct and separate offense.

34 (m) Each application that requires any firearms eligibility  
35 determination involving the issuance of any license, permit, or  
36 certificate pursuant to this title shall include two copies of the  
37 applicant’s fingerprints on forms prescribed by the Department of  
38 Justice. One copy of the fingerprints may be submitted to the  
39 United States Federal Bureau of Investigation.

(n) As used in this chapter, a “personal handgun importer” means an individual who meets all of the following criteria:

(1) He or she is not a person licensed pursuant to Section 12071.

(2) He or she is not a licensed manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.

(3) He or she is not a licensed importer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) He or she is the owner of a ~~pistol, revolver, or other firearm capable of being concealed upon the person~~ *handgun*.

(5) He or she acquired that ~~pistol, revolver, or other firearm capable of being concealed upon the person~~ *handgun* outside of California.

(6) He or she moves into this state on or after January 1, 1998, as a resident of this state.

(7) He or she intends to possess that ~~pistol, revolver, or other firearm capable of being concealed upon the person~~ *handgun* within this state on or after January 1, 1998.

(8) The ~~pistol, revolver, or other firearm capable of being concealed upon the person~~ *handgun* was not delivered to him or her by a person licensed pursuant to Section 12071 who delivered that firearm following the procedures set forth in Section 12071 and subdivision (c) of Section 12072.

(9) He or she, while a resident of this state, had not previously reported his or her ownership of that ~~pistol, revolver, or other firearm capable of being concealed upon the person~~ *handgun* to the Department of Justice in a manner prescribed by the department that included information concerning him or her and a description of the firearm.

(10) The ~~pistol, revolver, or other firearm capable of being concealed upon the person~~ *handgun* is not a firearm that is prohibited by subdivision (a) of Section 12020.

(11) The ~~pistol, revolver, or other firearm capable of being concealed upon the person~~ *handgun* is not an assault weapon, as defined in Section 12276 or 12276.1.

(12) The ~~pistol, revolver, or other firearm capable of being concealed upon the person~~ *handgun* is not a machinegun, as defined in Section 12200.

(13) The person is 18 years of age or older.

(o) For purposes of paragraph (6) of subdivision (n):

(1) Except as provided in paragraph (2), residency shall be determined in the same manner as is the case for establishing residency pursuant to Section 12505 of the Vehicle Code.

(2) In the case of members of the Armed Forces of the United States, residency shall be deemed to be established when he or she was discharged from active service in this state.

(p) As used in this code, “basic firearms safety certificate” means a certificate issued by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, prior to January 1, 2003.

(q) As used in this code, “handgun safety certificate” means a certificate issued by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, as that article is operative on or after January 1, 2003.

(r) As used in this title, “gunsmith” means any person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, who is engaged primarily in the business of repairing firearms, or making or fitting special barrels, stocks, or trigger mechanisms to firearms, or the agent or employee of that person.

(s) *As used in this title, “licensed consultant-evaluator” means a consultant or evaluator who, in the course of his or her profession is loaned firearms from a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, for his or her research or evaluation, and has a current certificate of eligibility issued to him or her pursuant to Section 12071.*

*SEC. 2. Section 12020.5 of the Penal Code is repealed.*

~~12020.5.—It shall be unlawful for any person, as defined in Section 12277, to advertise the sale of any weapon or device whose possession is prohibited by Section 12020, 12220, 12280, 12303, 12320, 12321, 12355, or 12520 in any newspaper, magazine, circular, form letter, or open publication that is published, distributed, or circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device.~~

*SEC. 3. Section 12073 of the Penal Code is amended to read:*

1 12073. (a) As required by the Department of Justice, every  
2 dealer shall keep a register or record of electronic or telephonic  
3 transfer in which shall be entered the information prescribed in  
4 Section 12077.

5 (b) This section shall not apply to any of the following  
6 transactions:

7 (1) The delivery, sale, or transfer of an unloaded firearm that is  
8 not a handgun by a dealer to another dealer upon proof of  
9 compliance with the requirements of paragraph (1) of subdivision  
10 (f) of Section 12072.

11 (2) The delivery, sale, or transfer of an unloaded firearm by a  
12 dealer to another dealer if that firearm is intended as merchandise  
13 in the receiving dealer's business upon proof of compliance with  
14 the requirements of paragraph (1) of subdivision (f) of Section  
15 12072.

16 (3) The delivery, sale, or transfer of an unloaded firearm by a  
17 dealer to a person licensed as an importer or manufacturer pursuant  
18 to Chapter 44 (commencing with Section 921) of Title 18 of the  
19 United States Code and any regulations issued pursuant thereto.

20 (4) The delivery, sale, or transfer of an unloaded firearm by a  
21 dealer who sells, transfers, or delivers the firearm to a person who  
22 resides outside this state who is licensed pursuant to Chapter 44  
23 (commencing with Section 921) of Title 18 of the United States  
24 Code and any regulations issued pursuant thereto.

25 (5) The delivery, sale, or transfer of an unloaded firearm by a  
26 dealer to a wholesaler if that firearm is being returned to the  
27 wholesaler and is intended as merchandise in the wholesaler's  
28 business.

29 (6) The delivery, sale, or transfer of an unloaded firearm that is  
30 not a handgun by a dealer to himself or herself.

31 (7) The loan of an unloaded firearm by a dealer who also  
32 operates a target facility which holds a business or regulatory  
33 license on the premises of the building designated in the license  
34 or whose building designated in the license is on the premises of  
35 any club or organization organized for the purpose of practicing  
36 shooting at targets upon established ranges, whether public or  
37 private, to a person at that target facility or club or organization,  
38 if the firearm is kept at all times within the premises of the target  
39 range or on the premises of the club or organization.

1 (8) The delivery of an unloaded firearm by a dealer to a  
2 gunsmith for service or repair.

3 (9) The return of an unloaded firearm to the owner of that  
4 firearm by a dealer, if the owner initially delivered the firearm to  
5 the dealer for service or repair.

6 (10) The loan of an unloaded firearm by a dealer to a person  
7 who possesses a valid entertainment firearms permit issued  
8 pursuant to Section 12081, for use solely as a prop in a motion  
9 picture, television, video, theatrical, or other entertainment  
10 production or event.

11 *(11) The loan of an unloaded firearm by a dealer to a licensed*  
12 *consultant-evaluator.*

13 *(12) The loan of an unloaded firearm by a dealer if all of the*  
14 *following are met:*

15 *(A) The loan is for a lawful purpose.*

16 *(B) The person to whom the firearm is loaned is at all times in*  
17 *the presence of the dealer loaning the firearm.*

18 *(C) The loan occurs in the buildings designated in the dealer's*  
19 *license.*

20 (c) A violation of this section is a misdemeanor.

21 **SECTION 4.**

22 *SEC. 4.* Section 12078 of the Penal Code is amended to read:

23 12078. (a) (1) The waiting periods described in Sections 12071  
24 and 12072 shall not apply to the deliveries, transfers, or sales of  
25 firearms made to persons properly identified as full-time paid peace  
26 officers as defined in Chapter 4.5 (commencing with Section 830)  
27 of Title 3 of Part 2, provided that the peace officers are authorized  
28 by their employer to carry firearms while in the performance of  
29 their duties. Proper identification is defined as verifiable written  
30 certification from the head of the agency by which the purchaser  
31 or transferee is employed, identifying the purchaser or transferee  
32 as a peace officer who is authorized to carry firearms while in the  
33 performance of his or her duties, and authorizing the purchase or  
34 transfer. The certification shall be delivered to the dealer at the  
35 time of purchase or transfer and the purchaser or transferee shall  
36 identify himself or herself as the person authorized in the  
37 certification. The dealer shall keep the certification with the record  
38 of sale. On the date that the delivery, sale, or transfer is made, the  
39 dealer delivering the firearm shall transmit to the Department of

1 Justice an electronic or telephonic report of the transaction as is  
2 indicated in subdivision (b) or (c) of Section 12077.

3 (2) Subdivision (b) of Section 12801 and the preceding  
4 provisions of this article do not apply to deliveries, transfers, or  
5 sales of firearms made to authorized law enforcement  
6 representatives of cities, counties, cities and counties, or state or  
7 federal governments for exclusive use by those governmental  
8 agencies if, prior to the delivery, transfer, or sale of these firearms,  
9 written authorization from the head of the agency authorizing the  
10 transaction is presented to the person from whom the purchase,  
11 delivery, or transfer is being made. Proper written authorization  
12 is defined as verifiable written certification from the head of the  
13 agency by which the purchaser or transferee is employed,  
14 identifying the employee as an individual authorized to conduct  
15 the transaction, and authorizing the transaction for the exclusive  
16 use of the agency by which he or she is employed. Within 10 days  
17 of the date a handgun is acquired by the agency, a record of the  
18 same shall be entered as an institutional weapon into the Automated  
19 Firearms System (AFS) via the California Law Enforcement  
20 Telecommunications System (CLETS) by the law enforcement or  
21 state agency. Those agencies without access to AFS shall arrange  
22 with the sheriff of the county in which the agency is located to  
23 input this information via this system.

24 (3) Subdivision (b) of Section 12801 and the preceding  
25 provisions of this article do not apply to the loan of a firearm made  
26 by an authorized law enforcement representative of a city, county,  
27 or city and county, or the state or federal government to a peace  
28 officer employed by that agency and authorized to carry a firearm  
29 for the carrying and use of that firearm by that peace officer in the  
30 course and scope of his or her duties.

31 (4) Subdivision (b) of Section 12801 and the preceding  
32 provisions of this article do not apply to the delivery, sale, or  
33 transfer of a firearm by a law enforcement agency to a peace officer  
34 pursuant to Section 10334 of the Public Contract Code. Within 10  
35 days of the date that a handgun is sold, delivered, or transferred  
36 pursuant to Section 10334 of the Public Contract Code to that  
37 peace officer, the name of the officer and the make, model, serial  
38 number, and other identifying characteristics of the firearm being  
39 sold, transferred, or delivered shall be entered into the Automated  
40 Firearms System (AFS) via the California Law Enforcement



1 Telecommunications System (CLETS) by the law enforcement or  
2 state agency that sold, transferred, or delivered the firearm. Those  
3 agencies without access to AFS shall arrange with the sheriff of  
4 the county in which the agency is located to input this information  
5 via this system.

6 (5) Subdivision (b) of Section 12801 and the preceding  
7 provisions of this article do not apply to the delivery, sale, or  
8 transfer of a firearm by a law enforcement agency to a retiring  
9 peace officer who is authorized to carry a firearm pursuant to  
10 Section 12027.1. Within 10 days of the date that a handgun is sold,  
11 delivered, or transferred to that retiring peace officer, the name of  
12 the officer and the make, model, serial number, and other  
13 identifying characteristics of the firearm being sold, transferred,  
14 or delivered shall be entered into the Automated Firearms System  
15 (AFS) via the California Law Enforcement Telecommunications  
16 System (CLETS) by the law enforcement or state agency that sold,  
17 transferred, or delivered the firearm. Those agencies without access  
18 to AFS shall arrange with the sheriff of the county in which the  
19 agency is located to input this information via this system.

20 (6) Subdivision (d) of Section 12072 and subdivision (b) of  
21 Section 12801 do not apply to sales, deliveries, or transfers of  
22 firearms to authorized representatives of cities, cities and counties,  
23 counties, or state or federal governments for those governmental  
24 agencies where the entity is acquiring the weapon as part of an  
25 authorized, voluntary program where the entity is buying or  
26 receiving weapons from private individuals. Any weapons acquired  
27 pursuant to this paragraph shall be disposed of pursuant to the  
28 applicable provisions of Section 12028 or 12032.

29 (7) Subdivision (d) of Section 12072 and subdivision (b) of  
30 Section 12801 shall not apply to the sale, loan, delivery, or transfer  
31 of a firearm made by an authorized law enforcement representative  
32 of a city, county, city and county, state, or the federal government  
33 to any public or private nonprofit historical society, museum, or  
34 institutional collection or the purchase or receipt of that firearm  
35 by that public or private nonprofit historical society, museum, or  
36 institutional collection if all of the following conditions are met:

37 (A) The entity receiving the firearm is open to the public.

38 (B) The firearm prior to delivery is deactivated or rendered  
39 inoperable.

1 (C) The firearm is not subject to Section 12028, 12028.5, 12030,  
2 or 12032.

3 (D) The firearm is not prohibited by other provisions of law  
4 from being sold, delivered, or transferred to the public at large.

5 (E) Prior to delivery, the entity receiving the firearm submits a  
6 written statement to the law enforcement representative stating  
7 that the firearm will not be restored to operating condition, and  
8 will either remain with that entity, or if subsequently disposed of,  
9 will be transferred in accordance with the applicable provisions  
10 of this article and, if applicable, Section 12801.

11 (F) Within 10 days of the date that the firearm is sold, loaned,  
12 delivered, or transferred to that entity, the name of the government  
13 entity delivering the firearm, and the make, model, serial number,  
14 and other identifying characteristics of the firearm and the name  
15 of the person authorized by the entity to take possession of the  
16 firearm shall be reported to the department in a manner prescribed  
17 by the department.

18 (G) In the event of a change in the status of the designated  
19 representative, the entity shall notify the department of a new  
20 representative within 30 days.

21 (8) Subdivision (d) of Section 12072 and subdivision (b) of  
22 Section 12801 shall not apply to the sale, loan, delivery, or transfer  
23 of a firearm made by any person other than a representative of an  
24 authorized law enforcement agency to any public or private  
25 nonprofit historical society, museum, or institutional collection if  
26 all of the following conditions are met:

27 (A) The entity receiving the firearm is open to the public.

28 (B) The firearm is deactivated or rendered inoperable prior to  
29 delivery.

30 (C) The firearm is not of a type prohibited from being sold,  
31 delivered, or transferred to the public.

32 (D) Prior to delivery, the entity receiving the firearm submits a  
33 written statement to the person selling, loaning, or transferring the  
34 firearm stating that the firearm will not be restored to operating  
35 condition, and will either remain with that entity, or if subsequently  
36 disposed of, will be transferred in accordance with the applicable  
37 provisions of this article and, if applicable, Section 12801.

38 (E) If title to a handgun is being transferred to the public or  
39 private nonprofit historical society, museum, or institutional  
40 collection, then the designated representative of that public or

1 private historical society, museum or institutional collection within  
2 30 days of taking possession of that handgun, shall forward by  
3 prepaid mail or deliver in person to the Department of Justice, a  
4 single report signed by both parties to the transaction, that includes  
5 information identifying the person representing that public or  
6 private historical society, museum, or institutional collection, how  
7 title was obtained and from whom, and a description of the firearm  
8 in question, along with a copy of the written statement referred to  
9 in subparagraph (D). The report forms that are to be completed  
10 pursuant to this paragraph shall be provided by the Department of  
11 Justice.

12 (F) In the event of a change in the status of the designated  
13 representative, the entity shall notify the department of a new  
14 representative within 30 days.

15 (b) (1) Section 12071, subdivisions (c) and (d) of Section  
16 12072, and subdivision (b) of Section 12801 shall not apply to  
17 deliveries, sales, or transfers of firearms between or to importers  
18 and manufacturers of firearms licensed to engage in that business  
19 pursuant to Chapter 44 (commencing with Section 921) of Title  
20 18 of the United States Code and the regulations issued pursuant  
21 thereto.

22 (2) Subdivision (b) of Section 12801 shall not apply to the  
23 delivery, sale, or transfer of a handgun to a person licensed pursuant  
24 to Section 12071, where the licensee is receiving the handgun in  
25 the course and scope of his or her activities as a person licensed  
26 pursuant to Section 12071.

27 (3) *Subdivision (b) of Section 12071, subdivision (c) of Section*  
28 *12072, and subdivision (b) of Section 12801 shall not apply to the*  
29 *loan of a firearm by a dealer if all of the following conditions are*  
30 *met:*

31 (A) *The loan is for a lawful purpose.*

32 (B) *The person to whom the firearm is loaned is at all times in*  
33 *the presence of the dealer loaning the firearm.*

34 (C) *The loan occurs in the buildings designated in the dealer's*  
35 *license.*

36 (c) (1) Subdivision (d) of Section 12072 shall not apply to the  
37 infrequent transfer of a firearm that is not a handgun by gift,  
38 bequest, intestate succession, or other means by one individual to  
39 another if both individuals are members of the same immediate  
40 family.

(2) Subdivision (d) of Section 12072 shall not apply to the infrequent transfer of a handgun by gift, bequest, intestate succession, or other means by one individual to another if both individuals are members of the same immediate family and all of the following conditions are met:

(A) The person to whom the firearm is transferred shall, within 30 days of taking possession of the firearm, forward by prepaid mail or deliver in person to the Department of Justice, a report that includes information concerning the individual taking possession of the firearm, how title was obtained and from whom, and a description of the firearm in question. The report forms that individuals complete pursuant to this paragraph shall be provided to them by the Department of Justice.

(B) The person taking title to the firearm shall first obtain a handgun safety certificate.

(C) The person receiving the firearm is 18 years of age or older.

(3) As used in this subdivision, "immediate family member" means any one of the following relationships:

(A) Parent and child.

(B) Grandparent and grandchild.

(d) (1) Subdivision (d) of Section 12072 shall not apply to the infrequent loan of firearms between persons who are personally known to each other for any lawful purpose, if the loan does not exceed 30 days in duration and, when the firearm is a handgun, commencing January 1, 2003, the individual being loaned the handgun has a valid handgun safety certificate.

(2) Subdivision (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of a firearm where all of the following conditions exist:

(A) The person loaning the firearm is at all times within the presence of the person being loaned the firearm.

(B) The loan is for a lawful purpose.

(C) The loan does not exceed three days in duration.

(D) The individual receiving the firearm is not prohibited from owning or possessing a firearm pursuant to Section 12021 or 12021.1 of this code, or by Section 8100 or 8103 of the Welfare and Institutions Code.

(E) The person loaning the firearm is 18 years of age or older.

(F) The person being loaned the firearm is 18 years of age or older.

1 (e) Section 12071, subdivisions (c) and (d) of Section 12072,  
2 and subdivision (b) of Section 12801 shall not apply to the delivery  
3 of a firearm to a gunsmith for service or repair, or to the return of  
4 the firearm to its owner by the gunsmith.

5 (f) Subdivision (d) of Section 12072 and subdivision (b) of  
6 Section 12801 shall not apply to the sale, delivery, or transfer of  
7 firearms by persons who reside in this state to persons who reside  
8 outside this state who are licensed pursuant to Chapter 44  
9 (commencing with Section 921) of Title 18 of the United States  
10 Code and the regulations issued pursuant thereto, if the sale,  
11 delivery, or transfer is in accordance with Chapter 44 (commencing  
12 with Section 921) of Title 18 of the United States Code and the  
13 regulations issued pursuant thereto.

14 (g) (1) Subdivision (d) of Section 12072 shall not apply to the  
15 infrequent sale or transfer of a firearm, other than a handgun, at  
16 auctions or similar events conducted by nonprofit mutual or public  
17 benefit corporations organized pursuant to the Corporations Code.

18 As used in this paragraph, the term “infrequent” shall not be  
19 construed to prohibit different local chapters of the same nonprofit  
20 corporation from conducting auctions or similar events, provided  
21 the individual local chapter conducts the auctions or similar events  
22 infrequently. It is the intent of the Legislature that different local  
23 chapters, representing different localities, be entitled to invoke the  
24 exemption created by this paragraph, notwithstanding the frequency  
25 with which other chapters of the same nonprofit corporation may  
26 conduct auctions or similar events.

27 (2) Subdivision (d) of Section 12072 shall not apply to the  
28 transfer of a firearm other than a handgun, if the firearm is donated  
29 for an auction or similar event described in paragraph (1) and the  
30 firearm is delivered to the nonprofit corporation immediately  
31 preceding, or contemporaneous with, the auction or similar event.

32 (3) The waiting period described in Sections 12071 and 12072  
33 shall not apply to a dealer who delivers a firearm other than a  
34 handgun at an auction or similar event described in paragraph (1),  
35 as authorized by subparagraph (C) of paragraph (1) of subdivision  
36 (b) of Section 12071. Within two business days of completion of  
37 the application to purchase, the dealer shall forward by prepaid  
38 mail to the Department of Justice a report of the same as is  
39 indicated in subdivision (c) of Section 12077. If the electronic or  
40 telephonic transfer of applicant information is used, within two

1 business days of completion of the application to purchase, the  
2 dealer delivering the firearm shall transmit to the Department of  
3 Justice an electronic or telephonic report of the same as is indicated  
4 in subdivision (c) of Section 12077.

5 (h) Subdivision (d) of Section 12072 and subdivision (b) of  
6 Section 12801 shall not apply to the loan of a firearm to a person  
7 18 years of age or older for the purposes of shooting at targets if  
8 the loan occurs on the premises of a target facility that holds a  
9 business or regulatory license or on the premises of any club or  
10 organization organized for the purposes of practicing shooting at  
11 targets upon established ranges, whether public or private, if the  
12 firearm is at all times kept within the premises of the target range  
13 or on the premises of the club or organization.

14 (i) (1) Subdivision (d) of Section 12072 shall not apply to a  
15 person who takes title or possession of a firearm that is not a  
16 handgun by operation of law if the person is not prohibited by  
17 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of  
18 the Welfare and Institutions Code from possessing firearms.

19 (2) Subdivision (d) of Section 12072 shall not apply to a person  
20 who takes title or possession of a handgun by operation of law if  
21 the person is not prohibited by Section 12021 or 12021.1 of this  
22 code or Section 8100 or 8103 of the Welfare and Institutions Code  
23 from possessing firearms and all of the following conditions are  
24 met:

25 (A) If the person taking title or possession is neither a levying  
26 officer as defined in Section 481.140, 511.060, or 680.210 of the  
27 Code of Civil Procedure, nor a person who is receiving that firearm  
28 pursuant to subparagraph (G), (I), or (J) of paragraph (2) of  
29 subdivision (u), the person shall, within 30 days of taking  
30 possession, forward by prepaid mail or deliver in person to the  
31 Department of Justice, a report of information concerning the  
32 individual taking possession of the firearm, how title or possession  
33 was obtained and from whom, and a description of the firearm in  
34 question. The reports that individuals complete pursuant to this  
35 paragraph shall be provided to them by the department.

36 (B) If the person taking title or possession is receiving the  
37 firearm pursuant to subparagraph (G) of paragraph (2) of  
38 subdivision (u), the person shall do both of the following:

39 (i) Within 30 days of taking possession, forward by prepaid  
40 mail or deliver in person to the department, a report of information

1 concerning the individual taking possession of the firearm, how  
2 title or possession was obtained and from whom, and a description  
3 of the firearm in question. The reports that individuals complete  
4 pursuant to this paragraph shall be provided to them by the  
5 department.

6 (ii) Prior to taking title or possession of the firearm, the person  
7 shall obtain a handgun safety certificate.

8 (C) Where the person receiving title or possession of the  
9 handgun is a person described in subparagraph (I) of paragraph  
10 (2) of subdivision (u), on the date that the person is delivered the  
11 firearm, the name and other information concerning the person  
12 taking possession of the firearm, how title or possession of the  
13 firearm was obtained and from whom, and a description of the  
14 firearm by make, model, serial number, and other identifying  
15 characteristics, shall be entered into the Automated Firearms  
16 System (AFS) via the California Law Enforcement  
17 Telecommunications System (CLETS) by the law enforcement or  
18 state agency that transferred or delivered the firearm. Those  
19 agencies without access to AFS shall arrange with the sheriff of  
20 the county in which the agency is located to input this information  
21 via this system.

22 (D) Where the person receiving title or possession of the  
23 handgun is a person described in subparagraph (J) of paragraph  
24 (2) of subdivision (u), on the date that the person is delivered the  
25 firearm, the name and other information concerning the person  
26 taking possession of the firearm, how title or possession of the  
27 firearm was obtained and from whom, and a description of the  
28 firearm by make, model, serial number, and other identifying  
29 characteristics, shall be entered into the AFS via the CLETS by  
30 the law enforcement or state agency that transferred or delivered  
31 the firearm. Those agencies without access to AFS shall arrange  
32 with the sheriff of the county in which the agency is located to  
33 input this information via this system. In addition, that law  
34 enforcement agency shall not deliver that handgun to the person  
35 referred to in this subparagraph unless, prior to the delivery of the  
36 same, the person presents proof to the agency that he or she is the  
37 holder of a handgun safety certificate.

38 (3) Subdivision (d) of Section 12072 shall not apply to a person  
39 who takes possession of a firearm by operation of law in a  
40 representative capacity who subsequently transfers ownership of

1 the firearm to himself or herself in his or her individual capacity.  
2 In the case of a handgun, the individual shall obtain a handgun  
3 safety certificate prior to transferring ownership to himself or  
4 herself, or taking possession of a handgun in an individual capacity.

5 (j) Subdivision (d) of Section 12072 and subdivision (b) of  
6 Section 12801 shall not apply to deliveries, transfers, or returns  
7 of firearms made pursuant to Section 12021.3, 12028, 12028.5, or  
8 12030.

9 (k) Section 12071, subdivision (c) of Section 12072, and  
10 subdivision (b) of Section 12801 shall not apply to any of the  
11 following:

12 (1) The delivery, sale, or transfer of unloaded firearms that are  
13 not handguns by a dealer to another dealer upon proof of  
14 compliance with the requirements of paragraph (1) of subdivision  
15 (f) of Section 12072.

16 (2) The delivery, sale, or transfer of unloaded firearms by dealers  
17 to persons who reside outside this state who are licensed pursuant  
18 to Chapter 44 (commencing with Section 921) of Title 18 of the  
19 United States Code and the regulations issued pursuant thereto.

20 (3) The delivery, sale, or transfer of unloaded firearms to a  
21 wholesaler if the firearms are being returned to the wholesaler and  
22 are intended as merchandise in the wholesaler's business.

23 (4) The delivery, sale, or transfer of unloaded firearms by one  
24 dealer to another dealer if the firearms are intended as merchandise  
25 in the receiving dealer's business upon proof of compliance with  
26 the requirements of paragraph (1) of subdivision (f) of Section  
27 12072.

28 (5) The delivery, sale, or transfer of an unloaded firearm that is  
29 not a handgun by a dealer to himself or herself.

30 (6) The loan of an unloaded firearm by a dealer who also  
31 operates a target facility that holds a business or regulatory license  
32 on the premises of the building designated in the license or whose  
33 building designated in the license is on the premises of any club  
34 or organization organized for the purposes of practicing shooting  
35 at targets upon established ranges, whether public or private, to a  
36 person at that target facility or that club or organization, if the  
37 firearm is at all times kept within the premises of the target range  
38 or on the premises of the club or organization.

39 (l) A person who is exempt from subdivision (d) of Section  
40 12072 or is otherwise not required by law to report his or her



1 acquisition, ownership, or disposal of a handgun or who moves  
2 out of this state with his or her handgun may submit a report of  
3 the same to the Department of Justice in a format prescribed by  
4 the department.

5 (m) Subdivision (d) of Section 12072 and subdivision (b) of  
6 Section 12801 shall not apply to the delivery, sale, or transfer of  
7 unloaded firearms to a wholesaler as merchandise in the  
8 wholesaler's business by manufacturers or importers licensed to  
9 engage in that business pursuant to Chapter 44 (commencing with  
10 Section 921) of Title 18 of the United States Code and the  
11 regulations issued pursuant thereto, or by another wholesaler, if  
12 the delivery, sale, or transfer is made in accordance with Chapter  
13 44 (commencing with Section 921) of Title 18 of the United States  
14 Code.

15 (n) (1) The waiting period described in Section 12071 or 12072  
16 shall not apply to the delivery, sale, or transfer of a handgun by a  
17 dealer in either of the following situations:

18 (A) The dealer is delivering the firearm to another dealer and  
19 it is not intended as merchandise in the receiving dealer's business.

20 (B) The dealer is delivering the firearm to himself or herself  
21 and it is not intended as merchandise in his or her business.

22 (2) In order for this subdivision to apply, both of the following  
23 shall occur:

24 (A) If the dealer is receiving the firearm from another dealer,  
25 the dealer receiving the firearm shall present proof to the dealer  
26 delivering the firearm that he or she is licensed pursuant to Section  
27 12071 by complying with paragraph (1) of subdivision (f) of  
28 Section 12072.

29 (B) Whether the dealer is delivering, selling, or transferring the  
30 firearm to himself or herself or to another dealer, on the date that  
31 the application to purchase is completed, the dealer delivering the  
32 firearm shall forward by prepaid mail to the Department of Justice  
33 a report of the same and the type of information concerning the  
34 purchaser or transferee as is indicated in subdivision (b) of Section  
35 12077. Where the electronic or telephonic transfer of applicant  
36 information is used, on the date that the application to purchase is  
37 completed, the dealer delivering the firearm shall transmit an  
38 electronic or telephonic report of the same and the type of  
39 information concerning the purchaser or transferee as is indicated  
40 in subdivision (b) of Section 12077.

(o) Section 12071 and subdivisions (c), (d), and paragraph (1) of subdivision (f) of Section 12072 shall not apply to the delivery, sale, or transfer of firearms regulated pursuant to Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275), if the delivery, sale, or transfer is conducted in accordance with the applicable provisions of Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275).

(p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of Section 12072 shall not apply to the loan of a firearm that is not a handgun to a minor, with the express permission of the parent or legal guardian of the minor, if the loan does not exceed 30 days in duration and is for a lawful purpose.

(2) Paragraph (3) of subdivision (a) of Section 12072, subdivision (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of a handgun to a minor by a person who is not the parent or legal guardian of the minor if all of the following circumstances exist:

(A) The minor has the written consent of his or her parent or legal guardian that is presented at the time of, or prior to the time of, the loan, or is accompanied by his or her parent or legal guardian at the time the loan is made.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(C) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(D) The duration of the loan does not, in any event, exceed 10 days.

(3) Paragraph (3) of subdivision (a), and subdivision (d), of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of a handgun to a minor by his or her parent or legal guardian if both of the following circumstances exist:

1 (A) The minor is being loaned the firearm for the purposes of  
2 engaging in a lawful, recreational sport, including, but not limited  
3 to, competitive shooting, or agricultural, ranching, or hunting  
4 activity, or a motion picture, television, or video production, or  
5 entertainment or theatrical event, the nature of which involves the  
6 use of a firearm.

7 (B) The duration of the loan does not exceed the amount of time  
8 that is reasonably necessary to engage in the lawful, recreational  
9 sport, including, but not limited to, competitive shooting, or  
10 agricultural, ranching, or hunting activity, or a motion picture,  
11 television, or video production, or entertainment or theatrical event,  
12 the nature of which involves the use of a firearm.

13 (4) Paragraph (3) of subdivision (a), and subdivision (d), of  
14 Section 12072 shall not apply to the transfer or loan of a firearm  
15 that is not a handgun to a minor by his or her parent or legal  
16 guardian.

17 (5) Paragraph (3) of subdivision (a), and subdivision (d), of  
18 Section 12072 shall not apply to the transfer or loan of a firearm  
19 that is not a handgun to a minor by his or her grandparent who is  
20 not the legal guardian of the minor if the transfer is done with the  
21 express permission of the parent or legal guardian of the minor.

22 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of  
23 Section 12072 shall not apply to the sale of a handgun if both of  
24 the following requirements are satisfied:

25 (A) The sale is to a person who is at least 18 years of age.

26 (B) The firearm is an antique firearm as defined in paragraph  
27 (16) of subsection (a) of Section 921 of Title 18 of the United  
28 States Code.

29 (q) Subdivision (d) of Section 12072 shall not apply to the loan  
30 of a firearm that is not a handgun to a licensed hunter for use by  
31 that licensed hunter for a period of time not to exceed the duration  
32 of the hunting season for which that firearm is to be used.

33 (r) The waiting period described in Section 12071 or 12072  
34 shall not apply to the delivery, sale, or transfer of a firearm to the  
35 holder of a special weapons permit issued by the Department of  
36 Justice issued pursuant to Section 12095, 12230, 12250, or 12305.  
37 On the date that the application to purchase is completed, the dealer  
38 delivering the firearm shall transmit to the Department of Justice  
39 an electronic or telephonic report of the same as is indicated in  
40 subdivision (b) or (c) of Section 12077.

(s) (1) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the infrequent loan of an unloaded firearm by a person who is neither a dealer as defined in Section 12071 nor a federal firearms licensee pursuant to Chapter 44 of Title 18 of the United States Code, to a person 18 years of age or older for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

(2) Subdivision (d), and paragraph (1) of subdivision (f), of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm by a person who is not a dealer as defined in Section 12071 but who is a federal firearms licensee pursuant to Chapter 44 of Title 18 of the United States Code, to a person who possesses a valid entertainment firearms permit issued pursuant to Section 12081, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event. The person loaning the firearm pursuant to this paragraph shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

(3) Subdivision (b) of Section 12071, subdivision (c) of, and paragraph (1) of subdivision (f) of, Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm by a dealer as defined in Section 12071, to a person who possesses a valid entertainment firearms permit issued pursuant to Section 12081, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event. The dealer shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

*(4) Subdivision (d) and paragraph (1) of subdivision (f) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm to a licensed consultant-evaluator by a person who is not a dealer as defined in Section 12071, but who is a federal firearms licensee pursuant to Chapter 44 of Title 18 of the United States Code, if the loan does not exceed six months from the date of delivery by the person loaning the firearm. The person loaning the firearm shall retain a photocopy of any documentation that the Department of Justice may require as proof of compliance with this subdivision.*

*(5) Subdivision (b) of Section 12071, subdivision (c) and paragraph (1) of subdivision (f) of Section 12072, and subdivision*

1 *(b) of Section 12801 shall not apply to the loan of an unloaded*  
2 *firearm to a consultant-evaluator by a person licensed pursuant*  
3 *to Section 12071 if the loan does not exceed six months from the*  
4 *date of delivery by the dealer loaning the firearm. The dealer*  
5 *loaning the firearm shall retain a photocopy of any documentation*  
6 *that the Department of Justice may require as proof of compliance*  
7 *with this subdivision.*

8 (t) (1) The waiting period described in Section 12071 or 12072  
9 shall not apply to the sale, delivery, loan, or transfer of a firearm  
10 that is a curio or relic, as defined in Section 478.11 of Title 27 of  
11 the Code of Federal Regulations, or its successor, by a dealer to a  
12 person who is licensed as a collector pursuant to Chapter 44  
13 (commencing with Section 921) of Title 18 of the United States  
14 Code and the regulations issued pursuant thereto who has a current  
15 certificate of eligibility issued to him or her by the Department of  
16 Justice pursuant to Section 12071. On the date that the delivery,  
17 sale, or transfer is made, the dealer delivering the firearm shall  
18 transmit to the Department of Justice an electronic or telephonic  
19 report of the transaction as is indicated in subdivision (b) or (c) of  
20 Section 12077.

21 (2) Subdivision (d) and paragraph (1) of subdivision (f) of  
22 Section 12072 shall not apply to the infrequent sale, loan, or  
23 transfer of a firearm that is not a handgun, which is a curio or relic  
24 manufactured at least 50 years prior to the current date, but not  
25 including replicas thereof, as defined in Section 478.11 of Title  
26 27 of the Code of Federal Regulations, or its successor.

27 (u) As used in this section:

28 (1) “Infrequent” has the same meaning as in paragraph (1) of  
29 subdivision (c) of Section 12070.

30 (2) “A person taking title or possession of firearms by operation  
31 of law” includes, but is not limited to, any of the following  
32 instances wherein an individual receives title to, or possession of,  
33 firearms:

34 (A) The executor or administrator of an estate if the estate  
35 includes firearms.

36 (B) A secured creditor or an agent or employee thereof when  
37 the firearms are possessed as collateral for, or as a result of, a  
38 default under a security agreement under the Commercial Code.

39 (C) A levying officer, as defined in Section 481.140, 511.060,  
40 or 680.260 of the Code of Civil Procedure.

1 (D) A receiver performing his or her functions as a receiver if  
2 the receivership estate includes firearms.

3 (E) A trustee in bankruptcy performing his or her duties if the  
4 bankruptcy estate includes firearms.

5 (F) An assignee for the benefit of creditors performing his or  
6 her functions as an assignee, if the assignment includes firearms.

7 (G) A transmutation of property consisting of firearms pursuant  
8 to Section 850 of the Family Code.

9 (H) Firearms passing to a surviving spouse pursuant to Chapter  
10 1 (commencing with Section 13500) of Part 2 of Division 8 of the  
11 Probate Code.

12 (I) Firearms received by the family of a police officer or deputy  
13 sheriff from a local agency pursuant to Section 50081 of the  
14 Government Code.

15 (J) The transfer of a firearm by a law enforcement agency to  
16 the person who found the firearm where the delivery is to the  
17 person as the finder of the firearm pursuant to Article 1  
18 (commencing with Section 2080) of Chapter 4 of Division 3 of  
19 the Civil Code.

20 *SEC. 5. Section 12132 of the Penal Code is amended to read:*

21 12132. This chapter shall not apply to any of the following:

22 (a) The sale, loan, or transfer of any firearm pursuant to Section  
23 12082 in order to comply with subdivision (d) of Section 12072.

24 (b) The sale, loan, or transfer of any firearm that is exempt from  
25 the provisions of subdivision (d) of Section 12072 pursuant to any  
26 applicable exemption contained in Section 12078, if the sale, loan,  
27 or transfer complies with the requirements of that applicable  
28 exemption to subdivision (d) of Section 12072.

29 (c) The sale, loan, or transfer of any firearm as described in  
30 paragraph (3) of subdivision (b) of Section 12125.

31 (d) The delivery of a pistol, revolver, or other firearm capable  
32 of being concealed upon the person to a person licensed pursuant  
33 to Section 12071 for the purposes of the service or repair of that  
34 firearm.

35 (e) The return of a pistol, revolver, or other firearm capable of  
36 being concealed upon the person by a person licensed pursuant to  
37 Section 12071 to its owner where that firearm was initially  
38 delivered in the ~~circumstance~~ *circumstances* set forth in ~~subdivision~~  
39 *subdivisions (a), (d), (f) or (j).*

(f) ~~The return delivery~~ of a pistol, revolver, or other firearm capable of being concealed upon the person ~~by to~~ a person licensed pursuant to Section 12071 ~~to its owner where that firearm was initially delivered to that licensee~~ for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(g) The sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed upon the person listed as a curio or relic, as defined in Section 178.11 of the Code of Federal Regulations *or as defined as an “antique firearm” in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code.*

(h) (1) The Legislature finds a significant public purpose in exempting pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that are used for Olympic target shooting purposes at the time that the act adding this subdivision is enacted, and that fall within the definition of “unsafe handgun” pursuant to paragraph (3) of subdivision (b) of Section 12126 shall be exempt, as provided in paragraphs (2) and (3).

(2) This chapter shall not apply to any of the following pistols, because they are consistent with the significant public purpose expressed in paragraph (1):

MANUFACTURER	MODEL	CALIBER
ANSCHUTZ	FP	.22LR
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
DRULOV	FP	.22LR
GREEN	ELECTROARM	.22LR
HAMMERLI	100	.22LR
HAMMERLI	101	.22LR
HAMMERLI	102	.22LR
HAMMERLI	162	.22LR
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	FP10	.22LR

1	HAMMERLI	MP33	.22LR
2	HAMMERLI	SP20	.22LR
3	HAMMERLI	SP20	.32 S&W LONG
4	MORINI	CM102E	.22LR
5	MORINI	22M	.22LR
6	MORINI	32M	.32 S&W LONG
7	MORINI	CM80	.22LR
8	PARDINI	GP	.22 SHORT
9	PARDINI	GPO	.22 SHORT
10	PARDINI	GP-SCHUMANN	.22 SHORT
11	PARDINI	HP	.32 S&W LONG
12	PARDINI	K22	.22LR
13	PARDINI	MP	.32 S&W LONG
14	PARDINI	PGP75	.22LR
15	PARDINI	SP	.22LR
16	PARDINI	SPE	.22LR
17	SAKO	FINMASTER	.22LR
18	STEYR	FP	.22LR
19	VOSTOK	IZH NO. 1	.22LR
20	VOSTOK	MU55	.22LR
21	VOSTOK	TOZ35	.22LR
22	WALTHER	FP	.22LR
23	WALTHER	GSP	.22LR
24	WALTHER	GSP	.32 S&W LONG
25	WALTHER	OSP	.22 SHORT
26	WALTHER	OSP-2000	.22 SHORT

27

28 (3) The department shall create a program that is consistent with  
 29 the purpose stated in paragraph (1) to exempt new models of  
 30 competitive firearms from this chapter. The exempt competitive  
 31 firearms may be based on recommendations by USA Shooting  
 32 consistent with the regulations contained in the USA Shooting  
 33 Official Rules or may be based on the recommendation or rules  
 34 of any other organization that the department deems relevant.

35 (i) The sale, loan, or transfer of any semiautomatic pistol that  
 36 is to be used solely as a prop during the course of a motion picture,  
 37 television, or video production by an authorized participant therein  
 38 in the course of making that production or event or by an authorized  
 39 employee or agent of the entity producing that production or event.



1     (j) *The delivery of a pistol, revolver, or other firearm capable*  
2 *of being concealed upon the person to a person licensed pursuant*  
3 *to Section 12071 where the firearm is being loaned by the licensee*  
4 *to a licensed consultant-evaluator.*

5     (k) *The delivery of a pistol, revolver, or other firearm capable*  
6 *of being concealed upon the person by a person licensed pursuant*  
7 *to Section 12071 where the firearm is being loaned by the licensee*  
8 *to a licensed consultant-evaluator.*

9     (l) *The return of a pistol, revolver, or other firearm capable of*  
10 *being concealed upon the person to a person licensed pursuant to*  
11 *Section 12071 where it was initially delivered pursuant to*  
12 *subdivision (k).*

13     SEC. 6. (a) *Paragraph (11) of subdivision (b) of Section 12073*  
14 *of the Penal Code, as added by this act, is declaratory of existing*  
15 *law.*

16     (b) *Paragraph (3) of subdivision (b) of Section 12078 of the*  
17 *Penal Code, as added by this act, is declaratory of existing law.*

18     (c) *The amendments made to subdivision (g) of Section 12132*  
19 *of the Penal Code by this act are declaratory of existing law.*